

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Eugene Feinberg Examiner: Saindon, William V.
Serial No: 10/613,507 Group Art Unit: 3623
Filed: July 3, 2003 Docket: 8009-17 (R-7576)
For: **FERQUENCY BASED ALGORITHM**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AFFIDAVIT UNDER §1.132

Examiner:

This is in response to the Office Action dated February 4, 2008 and is accompanied by an
Amendment under 35 U.S.C. §1.111.

The undersigned do hereby declare:

1. Under 37 CFR 1.132, the inventorship of the application is correct.
2. The reference, Feinberg et al. ("Sensor Resource Management for an Airborne Early Warning Radar," Proceedings of SPIE Vol. 4728, Signal and Data Processing of Small Targets (April 2002), discloses subject matter derived from the applicant rather than invented by the author of the reference, notwithstanding the authorship of the reference (see *In re Katz*, 687 F.2d 450, 455, 215 USPQ 14, 18 (CCPA 1982)).

3. Named author Michael Bender contributed to Section 2, entitled "Complexity," of the paper addressing the hardness of a Fixed Radar Management Problem (FDRMP) described in the paper. The hardness of the FDRMP problem is not claimed.
4. Named authors Daniel Huang, Theodore Koutsoudis, and Joel Bernstein of Northrop Grumman Integrated Systems introduced the problem formulated and solved by the applicants.
5. The conception of the claimed invention is solely the product of the applicants.
7. Under such circumstances the Examiner is respectfully urged to withdraw the reference from consideration as prior art.

Dated: 5/04 / .2008

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